

Senate Engrossed

State of Arizona
Senate
Forty-fifth Legislature
Second Regular Session
2002

CHAPTER 20

SENATE BILL 1066

AN ACT

AMENDING SECTION 35-701, ARIZONA REVISED STATUTES; RELATING TO INDUSTRIAL
DEVELOPMENT AUTHORITIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)



Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 35-701, Arizona Revised Statutes, is amended to read:

35-701. Definitions

In this chapter, unless the context otherwise requires:

1. "Corporation" means any corporation organized as an authority as provided in this chapter.

2. "Designated area" means any area of this state which is either designated pursuant to section 36-1479 as a redevelopment area as defined in section 36-1471, or designated by regulation as a pocket of poverty or a neighborhood strategy area by the United States department of housing and urban development pursuant to title I of the housing and community development act of 1977 (42 United States Code sections 5301 through 5320), as amended, and the department of housing and urban development act (42 United States Code section 3535(d)).

3. "Governing body" means:

(a) The board or body in which the general legislative powers of the municipality or the county are vested.

(b) The Arizona board of regents with respect to a corporation formed with the permission of the Arizona board of regents.

4. "Income" means gross earnings from wages, salary, commissions, bonuses or tips from all jobs, net earnings from such person's or family's own nonfarm business, professional practice or partnership, and net earnings from such person's or family's own farm. Income includes income, other than earnings, which THAT consists of amounts received from social security or railroad retirement, interest, dividends, veterans payments, pensions and other regular payments, public assistance or welfare payments, including aid for dependent children, old age assistance, general assistance and aid to the blind or totally disabled, but excluding separate payments for hospital or other medical care.

5. "Manufactured house" means a structure THAT IS manufactured in a factory after June 15, 1976 which THAT is delivered to a homesite in more than one section and THAT IS placed on a permanent foundation. The dimensions of the completed house shall not be less than twenty feet by forty feet, the roof must be sloping, the siding and roofing must be the same as those found in site-built houses, and the house must be eligible for thirty year real estate mortgage financing.

6. "Municipality" or "county" means the Arizona board of regents or any incorporated city or town, including charter cities, or any county in this state in which a corporation may be organized and in which it is contemplated the corporation will function.

7. "Persons of low and moderate income" means, for the purposes of financing owner-occupied single family dwelling units in areas which the municipality has found, pursuant to section 36-1479, to be redevelopment areas, as defined in section 36-1471, persons and families whose income does not exceed two and one-half times the median family income of this state. In

1 all other areas it means persons and families whose income does not exceed
2 one and one-half times the median family income of this state.

3 8. "Project" means any land, any building or any other improvement and
4 all real and personal properties, including machinery and equipment whether
5 or not now in existence or under construction and whether located within or
6 without the municipality or county approving the formation of the
7 corporation, which THAT are suitable for any of the following:

8 (a) With respect to a corporation formed with the permission of a
9 municipality or county other than the Arizona board of regents:

10 (i) Any enterprise for the manufacturing, processing or assembling of
11 any agricultural or manufactured products.

12 (ii) Any commercial enterprise for the storing, warehousing,
13 distributing or selling of products of agriculture, mining or industry, or
14 of processes related thereto, including research and development.

15 (iii) ANY office building or buildings for use as corporate or company
16 headquarters or regional offices or the adaptive use for offices of any
17 building within this state that is on the national register of historic
18 places or rehabilitation of residential buildings located in registered
19 historic neighborhoods.

20 (iv) A health care institution as defined in section 36-401.

21 (v) Residential real property for dwelling units located within the
22 municipality or county approving the formation of the corporation and, in the
23 case of a county, whether or not also within a municipality which THAT is
24 within the county.

25 (vi) Repairing or rehabilitating single family dwelling units or
26 constructing or repairing residential fences and walls.

27 (vii) Convention or trade show facilities.

28 (viii) Airports, docks, wharves, mass commuting facilities, parking
29 facilities or storage or training facilities directly related to any of the
30 facilities as provided in this item.

31 (ix) Sewage or solid waste disposal facilities or facilities for the
32 furnishing of electric energy, gas or water.

33 (x) Industrial park facilities.

34 (xi) Air or water pollution control facilities.

35 (xii) Any educational institution THAT IS operated by a nonprofit
36 educational organization that is exempt from taxation under section 501(c)(3)
37 of the United States internal revenue code and THAT IS not otherwise funded
38 by state monies, any educational institution or organization THAT IS
39 established under title 15, chapter 1, article 8 and THAT IS owned by a
40 nonprofit organization, any private nonsectarian school or any private
41 nonsectarian organization established for the purpose of funding a joint
42 technological education school district.

43 (xiii) Research and development facilities.

44 (xiv) Commercial enterprises, including facilities for office,
45 recreational, hotel, motel and service uses if the facilities authorized by
46 this item are to be located in a designated area.

1 (xv) A child welfare agency, as defined in section 8-501, owned and
2 operated by a nonprofit organization.

3 (xvi) A transportation facility constructed or operated pursuant to
4 title 28, chapter 22, article 1 or 2.

5 (xvii) A museum operated by a nonprofit organization.

6 (xviii) Facilities owned or operated by a nonprofit organization
7 described in section 501(c) of the United States internal revenue code of
8 1986 that is primarily engaged in delivering community services on that
9 property consisting of fitness programs, camping programs, health and
10 recreation services, youth programs, child care, senior citizen programs,
11 individual and family counseling, employment and training programs, services
12 for individuals with disabilities, meals, feeding programs or disaster
13 relief.

14 (xix) NEW OR EXISTING CORRECTIONAL FACILITIES THAT CONTRACT
15 EXCLUSIVELY WITH THE ARIZONA DEPARTMENT OF CORRECTIONS OR THE ARIZONA
16 DEPARTMENT OF JUVENILE CORRECTIONS FOR THE HOUSING OF INMATES OR PERSONS
17 ADJUDICATED DELINQUENT.

18 (b) With respect to a corporation formed with the permission of the
19 Arizona board of regents, any facility consisting of classrooms, lecture
20 halls or conference centers or any facility for research and development or
21 for manufacturing, processing, assembling, marketing, storing and
22 transferring items developed through or connected with research and
23 development or in which the results of such research and development are
24 utilized, but only if the facility is located in an area designated as a
25 research park by the Arizona board of regents.

26 9. "Property" means any land, improvements thereon, buildings and any
27 improvements thereto, machinery and equipment of any and all kinds necessary
28 to a project and any other personal properties deemed necessary in connection
29 with a project.

30 10. "Research park" means an area of land which THAT has been
31 designated by the Arizona board of regents as a research park for a
32 university and which THAT, at the date of designation, is owned by this state
33 or by the Arizona board of regents.

34 11. "Single family dwelling unit" includes any new, used or
35 manufactured house which THAT meets the insuring requirements of the federal
36 housing administration, the veterans administration or any other insuring
37 entity of the United States government or any private mortgage insurance or
38 surety company which THAT is approved by the federal home loan mortgage
39 corporation or the federal national mortgage association.

40 Sec. 2. Emergency

41 This act is an emergency measure that is necessary to preserve the
42 public peace, health or safety and is operative immediately as provided by
43 law.

APPROVED BY THE GOVERNOR APRIL 15, 2002.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 15, 2002.

Passed the House April 8, 20 02,

by the following vote: 52 Ayes,

0 Nays, 8 Not Voting
with emergency

[Signature]
Speaker of the House

Norman L. Fyooce
Chief Clerk of the House

Passed the Senate March 21, 20 02,

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

[Signature] *with emergency*
President of the Senate

Charmine Billington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

9 day of April, 20 02,

at 11:59 o'clock A M.

[Signature]
Secretary to the Governor

Approved this 15 day of

April, 20 02,

at 10:55 o'clock A M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 15th day of April, 20 02,

at 4:28 o'clock P M.

[Signature]
Secretary of State

S.B. 1066